

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

LAURA VAN THOLEN,	)	
	)	
Plaintiff,	)	
v.	)	Case No. 08 CV 1082
	)	
CUTTING EDGE MILLWORK, LLC	)	Honorable Judge Gettleman
	)	
Defendant.	)	Magistrate Judge Schenkier
	)	

**JOINT STATUS REPORT**

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**A. Date and Time Set for Status**

Initial Scheduling Conference has been set for Wednesday, August 27, 2008.

**B. Attorneys of Record**

Plaintiff

Robert M. Foote, Esq.  
Stephen W. Fung, Esq.  
Adam L. Gill, Esq.  
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Defendant

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**C. Basis of Federal Jurisdiction**

Plaintiff alleges this Court has jurisdiction pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 *et seq.* and 5 U.S.C. § 6381 *et seq.*, and the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.* Plaintiff alleges supplemental jurisdiction exists over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a).

**D. Jury**

Plaintiff has demanded a Jury Trial has been demanded on all Counts.

**E. Nature of the claims asserted**

Plaintiff alleges violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* and the Pregnancy Discrimination Act amendment, 42 U.S.C. § 2000e(k), to Title VII, the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 *et seq.* and 5 U.S.C. § 6381 *et seq.*, the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.* ("ADA"). Plaintiff also includes a count for Intentional Infliction of Emotional Distress.

Plaintiff's allegations are based on Defendant's alleged unlawful termination of Plaintiff in retaliation for Plaintiff seeking medical leave time for infertility treatments.

**F. Relief Sought**

Plaintiff seeks the following:

- a. Damages sufficient to compensate Plaintiff for her injuries;
- b. Pre-judgment and post-judgment interest;
- c. Reasonable attorneys' fees;
- d. Cost of this action;

- e. Punitive damages; and
- f. Any and all such other relief as this Honorable Court may deem just and equitable.

**G. Service of Process**

Service has been completed on all known parties.

**H. Principal Legal Issues**

Whether Defendant's conduct constitutes discrimination on the basis of pregnancy in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* and the Pregnancy Discrimination Act amendment, 42 U.S.C. § 2000e(k), to Title VII.

Whether Defendant's conduct constitutes discrimination on the basis of disability in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*

Whether Defendant's conduct constitutes retaliation on the basis of her taking medical leave in violation of the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 *et seq.* and 5 U.S.C. § 6381 *et. seq.*

Whether Defendant's conduct arises to the level of conduct necessary to meet the standard for Intentional Infliction of Emotional Distress. Whether Defendant's conduct was the direct and proximate cause of Plaintiff's alleged Emotional Distress.

**I. Principal Factual Issues**

Whether Plaintiff was and/or is infertile.

Whether Plaintiff requested intermittent leave for her alleged medical condition.

Whether Plaintiff requested a reasonable accommodation for her alleged medical condition.

Whether Defendant provided a reasonable accommodation to Plaintiff.

Whether Plaintiff was terminated by Defendant because of poor job performance or because of her infertility and request for medical leave.

Whether Defendant's conduct arises to the level of conduct necessary to meet the standard for Intentional Infliction of Emotional Distress. Whether Defendant's conduct was the direct and proximate cause of Plaintiff's alleged Emotional Distress.

**J. Brief Description of Anticipated Motions**

Neither Plaintiff nor Defendant anticipates filing any motions at this time.

**K. Proposed Discovery Plan**

**a. Discovery Taken**

No discovery has been conducted yet.

**b. Rule 26(a) Disclosures**

The parties will exchange Rule 26(a) Disclosures by September 12, 2008.

**c. Remaining Discovery**

The parties will conduct and complete discovery by February 27, 2009.

**d. Schedule for Expert Designation and Discovery**

Plaintiff shall disclose experts by April 3, 2009. Defendants shall disclose experts by May 1, 2009. All expert discovery shall be completed by June 5, 2009.

**e. Proposed Discovery Cutoff**

June 5, 2009.

**L. Earliest Date Available for Trial and Probable Length**

Parties would be available for Trial in this matter as early as September 2009 and reasonably believe that a trial would entail 2-3 days.

**M. Settlement Discussion/Settlement Conference**

The parties have engaged in settlement discussions to no avail. However, the parties agree that settlement discussions and possible settlement conference may be useful as additional discovery is conducted and the case proceeds.

**N. Consent to Magistrate Judge**

Plaintiff does not consent to trial before a Magistrate Judge.

Attorneys for Plaintiff

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*Electronically signed with the Express*

*Authorization of Michael R. Hauert*

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 26, 2008, I electronically filed the foregoing **JOINT STATUS REPORT** with the clerk of court for the U. S. District Court, Northern District of Illinois, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

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